



**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ellen S. Ewald,

Civil No. 11-cv-02116 (SRN/SER)

Plaintiff,

vs.

**PLAINTIFF'S SECOND SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Royal Norwegian Embassy,

Defendant.

**TO: DEFENDANT ABOVE-NAMED AND THEIR ATTORNEYS OF RECORD,
SEAN SOMERMEYER, ESQ., DANIEL WILCZEK, ESQ., AND JOEL
SCHROEDER, ESQ., FAEGRE, BAKER DANIELS LLP, 2200 WELLS
FARGO CENTER, 90 SOUTH SEVENTH STREET, MINNEAPOLIS, MN
55402-3901.**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Ellen S. Ewald ("Ewald") requests that, within thirty (30) days after service of these Requests for Production of Documents, Defendant Royal Norwegian Embassy ("Embassy") produce and permit Plaintiff, by her attorney, to inspect and copy the documents described hereinafter at a time and place to be arranged that is convenient for both parties. These requests are to be deemed continuing so as to require supplemental answers if additional information is obtained by or becomes known to Defendant or anyone acting on Defendant's behalf, such additional information to be provided immediately.

DEFINITIONS AND INSTRUCTIONS

The following requests are to be read, interpreted, and answered with reference to the following definitions and instructions:

1. “You” or “your” means and refers to Defendant Royal Norwegian Embassy (“Embassy”) and all of its agents, employees, employers, representatives, insurers, attorneys, and all other persons or entities acting on their behalf.

2. “Person” means a natural person, corporation, partnership, government (or any agency thereof), quasi-public entity, proprietorship, joint venture, trust or estate, and any other form of legal entity.

3. “Representative” means a present and/or former director, officer, employee, agent, attorney, accountant, and any other person acting on behalf of the designated person.

4. “Source” means each document and each person from whom you gained or obtained your facts or information, or on which you base your belief.

5. The term “document” has the broadest meaning that can be ascribed to it pursuant to the Federal Rules of Civil Procedure. Among other things, the term “document” refers to and includes the final form and all drafts and revisions of any type of written or graphic matter, original or reproduced, and all copies thereof which are different in any way from the original, regardless of whether designated “confidential,” “privileged,” or otherwise restricted. Without limiting the generality of the foregoing, the term “document” includes books, papers, letters, telegrams, memoranda, communications, minutes, notes, e-mail, electronic mail, voice mail, electronic bulletin board postings, electronic records of any sort including metadata concerning such records, schedules, tabulations, vouchers, accounts, statements, affidavits, reports, abstracts, agreements, contracts, diaries, calendars, plans, specifications, drawings,

sketches, photostats, photographs, charts, graphs and other similar objects, and any kind of transcript, transcription or recording of any conversation, discussion or oral presentation of any kind, and any information stored on, and reproducible in documentary form from a computer or other electronic, magnetic, optical or laser based information storage device, including but not limited to floppy disks, hard disks, zip drives, tapes, or CD-ROM.

6. "All" and "any" shall each mean "any and all."

7. "And" and "or" shall mean "and/or."

8. "Including" shall mean "including, but not limited to."

9. The term "document(s)" shall include all originals, copies (including, without limitation, nonconforming or marked copies), duplicates, drafts, and recordings of any written, graphic, or otherwise recorded matter, however produced or reproduced.

10. The word "you" or "your" when used in reference to documents shall include documents now or formerly in your actual or constructive possession.

11. If you cannot respond to any document request in full, respond to it to the fullest extent possible, explaining why you cannot respond to the remainder, stating the nature of the information or knowledge which you cannot furnish.

12. If any document is withheld, in whole or in part, for any reason, including, but not limited to, any claim of privilege or confidentiality, set forth separately with respect to each such document:

A. The author(s) of the document;

B. The addressee of the document;

C. The date of the document;

D. The identity of all recipients of the document;

E. The subject matter of the document; and

F. The bases for withholding the document and the factual basis therefore.

13. If any requested document(s) was at one time but is no longer in existence, state separately for each such document: (a) the identity of the author of the document, the date thereof and the identities of all recipients of the document; (b) identification of the document; (c) the information contained therein; (d) the date upon which such document ceased to exist; (e) the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge or who had knowledge of its contents.

14. As to each document produced, identify with specificity the date and source from which the document was obtained.

15. If you are producing electronically stored information, produce the requested information in the form agreed to by the parties, set forth in Exhibit A to the Rule 26(a) Report. The electronically stored information you produce must be provided in a reasonably useable form or you must provide technical support to access or use that information. If you object to the requested form in producing electronically stored information, identify the form or forms you intend to use for producing that data.

CONTINUING NATURE OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Each of the following requests is a continuing one. If subsequent to serving an answer to any request you obtain or become aware of further information pertaining to the subject matter of the request, you are required to serve amended answers upon Plaintiff setting forth such information.

DOCUMENT REQUESTS, SECOND SET

REQUEST NO. 27: Plaintiff requests that you present for review, examination, and analysis the laptop computers used by Plaintiff while employed by Defendant.

REQUEST NO. 28: Plaintiff requests that Defendant present the computer forensic images and/or backup copies of the laptop computers used by Plaintiff for analysis of the following:

- a. E-mail evidence - live/active/nondeleted, deleted, unallocated.
- b. Applications - installed and uninstalled.
- c. Software agents and/or scripts used for evidence preservation.

REQUEST NO. 29: Plaintiff requests that you present for review, examination, and analysis the cellular/smart or other phones, memory cards and tablets currently in use and those used by the following individuals between November 1, 2008 and November 1, 2011:

- a. Ellen Ewald
- b. Gary Gandrud
- c. Walter Mondale
- d. Jan Aage Larsen
- e. Berit Johne
- f. Elin Rognlie
- g. Anders Davidson
- h. Christina Carleton
- i. Johann Vibe
- j. Liv Morch Finborud
- k. Elizabeth Wemberg
- l. Wegger Strommen

REQUEST NO. 30: Provide all documents that identify the Defendant's e-mail systems architecture and include:

- a. For Outlook clients individuals identified in Request No. 29 above, those documents providing the client names, geographic locations, and software versions.
- b. For Exchange Servers, those documents providing the server names, geographic locations, software product and versions.

- c. For E-mail Backup Servers, those documents providing the server names, geographic locations, software product and versions.
- d. For E-mail Archive Servers used for preservation, those documents providing server names, geographic locations, software product and versions.

Dated: June 3, 2013.

ENGELMEIER & UMANAH, PA

By: 

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ATTORNEYS FOR PLAINTIFF